



FREMONT PLANNING BOARD

August 15, 2012

Meeting Minutes

Approved September 5, 2012

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, Member John (Jack) Downing, Alternates Andrew Kohlhofer and Chris Silk, Selectman Brett Hunter, RPC Circuit Rider Brian Groth, Building Official Bob Meade and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham opened the meeting at 7:00 pm.

BOARD MEMBERS/ALTERNATES

At the June 15, 2011 meeting and the March 7, 2012 meeting Mr. Barham designated Alternates Andrew Kohlhofer and Chris Silk, respectively, to fill the vacancies on the Planning Board until such time as the Selectmen have appointed someone to serve as a full Board Member to fill that vacancy. These appointments remain in effect.

MINUTES

Mr. Karcz made the motion to approve the minutes of the August 1, 2012 meeting as written. Motion seconded by Mr. Hunter with unanimous favorable vote.

SEACOAST FARMS

Map 5 Lot 035

Mrs. Bolduc reported that the Cease & Desist order to Robert Kelly/Seacoast Farms Compost operation on Shirkin Road (Map 5 Lot 035), as recommended by the Planning Board and directed by the Selectmen was not issued. Instead Town Counsel John Ryan sent a correspondence to Mr. Kelly's Attorney advising him that the Town has requested appropriate legal action and to find out if Mr. Kelly will comply with his agreement. Several Members voiced confusion and questioned why a letter was sent instead of the Cease & Desist order having been issued. Mr. Hunter said he will relay the Board's concerns to Mr. Ryan.

ECONOMIC DEVELOPMENT/CORPORATE COMMERCIAL DISTRICT

The Corporate Commercial District is comprised of 29 parcels of property (with a total of 16 owners) that total almost 400 acres.

Mrs. Bolduc reported that Matthew Jenson came into the Land Use Office on the day after the August 1, 2012 landowners meeting and asked her to tell the Board that he is for economic development of the Corporate Commercial District.

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Mr. Barham said he thinks the Board has run the course with the idea of economic development of Corporate Commercial District because there was not a good sense of interest from those landowners that attended the August 1, 2012 meeting, and from lack of response from the rest of the landowners. Mr. Barham said it is not within the purview of the Planning Board to court developers for other peoples' properties.

Mr. Groth suggested that the Town could make the area more attractive by providing infrastructure. He said that a portion of fiber optic (broadband) is proposed to run through southeastern New Hampshire and if it is approved there may be an option to look at how the Corporate Commercial District could access it.

Mr. Kohlhofer stated that there are three landowners who have said they are supportive of development and he is willing to contact them again. He feels that if there is not an option to develop maybe the Corporate Commercial District should be rezoned for residential use. This prompted a conversation relative to the process to rezone the area.

There was a conversation about the possibility of developing the town-owned properties in the District and Mr. Groth agreed to investigate that development potential.

COMMUNITY PLANNING GRANT

Mr. Barham said he has left a detailed message with Ben Frost, Community Planning Grant Program Director for the NH Housing Finance Authority via phone to review the Board's recent Community Planning Grant application and question the funding decision partly to show that the grant really matters.

Mr. Barham has not heard back from Mr. Frost and he said he will try to reach out to him again.

VISION CHAPTER OF THE MASTER PLAN

Mr. Groth said at the next meeting he will issue his report relative to the survey recently conducted for the Vision Chapter of the Master Plan. Most of the 120 responses had to do with the schools, water tower, taxes.

MEETING DATES

The Members agreed to reschedule the September 19, 2012 meeting to September 26, 2012 so that they can attend the right to know meeting in Danville.

PAUL & NANCY CHAMPIGNY Public Hearing
Map 2 Lot 119 Rt 111A 2-Lot Subdivision

Present: Owners Paul & Nance Champigny and Surveyor Roscoe Blaisdell.

Mr. Barham opened this Public Hearing at 7:35 p.m. and read the public notice as follows:
In accordance with NH RSA 676:4, I (d) and 675:7, you are hereby notified that a subdivision application will be submitted by Paul and Nancy Champigny to the Planning Board in the basement meeting room of the Fremont Town Hall during a regular meeting of the Board at 7:30 pm on August 15, 2012. The applicants propose to subdivide their property located at Fremont Map 2 Lot 119 and Brentwood Map

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217 Lot 97, off Middle in Brentwood, N.H., thus retaining 3.013 acres total area in both towns with the existing lot and creating one new lot to be known as Fremont Map 2 Lot 119-1 and Brentwood Map 217 Lot 97-1 with 3.074 acres total lot area in both towns.

Upon a finding by the Board that the application meets the submission requirements of the Fremont Subdivision Regulations, the Board may vote to accept the application as complete, and a Public Hearing on the merits of the proposal may follow immediately.

Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

You are invited to attend in person or by counsel or agent. Written comment will be accepted up until the date of the Hearing.

A copy of the plan can be viewed at the Fremont Town Hall during regular business hours.

It was noted that this hearing was noticed on July 31, 2012 at the Fremont Post Office and Fremont Town Hall and in the July 31, 2012 edition of the Manchester Union Leader Newspaper. The applicant and all abutters were notified via certified mail on July 31, 2012 and all returns have been received. The application package consisted of the application, checklist signed by the applicant, multiple sets of plans, cover letter of intent, current abutters list, proper check amount. Also submitted was test pit information for pits #3 & 4.

The Board reviewed plan #1964 drawn by Blaisdell Survey, LLC and dated March 2, 2012 with revisions on May 22, 2012. The plan showed the entire 6.08 acre lot (4.20 acres in Fremont and 1.88 acres in Brentwood), subdivided into two lots keeping a total of 3.13 acres (both towns) with existing Map 2 Lot 119 and creating a new 3.074 acre residential lot (both towns) to be known as Map 2 Lot 119-1. The plan also showed, for the existing lot 119, the existing wells, dwelling, barn, septic, and test pits all in Brentwood. The plan showed, for proposed lot 119-1, proposed well, proposed dwelling, proposed 4000 sf septic areas, and locations of test pits all in Brentwood. The only things shown on the plan that spilled over onto the Fremont property of each lot were the well radii. There was no wetland delineated on the plan.

Comment sheets were received from the following with comments in *italics*:

Health Officer: *Travel through another town for police an emergency would be my only concern for health and safety.*

Fremont Code Enforcement Officer: *Builders will need to be aware of where they are building with subdivision in two towns and comply with each town's regulations. No road frontage in Fremont.*

Conservation Commission: *No comment.*

Road Agent: *No comment.*

Police Chief: *This plan as no adverse impact on the Police Department. I do not object to it.*

Mr. Groth said he did not submit a report because according to the plan all the residential building is happening in Brentwood so there is nothing for him to report on. There are no proposed buildings in Fremont and the agreement is that the residences will be in Brentwood. He felt the application is complete, the Board can take jurisdiction, and it can be approved.

Mr. Blaisdell said the new lot may be sold as a building lot and now there may be a residential building in Fremont. Mr. Groth stated that his understanding was that there was going to be no

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residential buildings in Fremont. Mr. Blaisdell said that was the plan at one time, but the concept of the plan has changed since the new lot meets the Fremont zoning requirements. He said there is no wetland or ledge on the lot.

Mr. Groth said that what was represented in the original presentation is that all residential buildings would be in Brentwood and the plan submitted reflects that. He said that his discussions with the Brentwood planner were that the residential dwelling units would be in Brentwood. Mr. Groth said is not comfortable with the plan concept being presented in the application as one thing and then changing at the meeting. He stated that because the intent has changed he would need to revisit it and issue a report based on the new plan concept.

Mr. Barham said it is not that the Board is adverse to building in Fremont, but if the applicants wish to change the concept of the plan they need to present a plan depicting the new presentation.

Mr. Blaisdell asked for conditional approval. He said they have to go back to Brentwood Planning Board for their final approval.

Mr. Groth said the Board could vote to approve this plan tonight, but the concept has changed and the plan shows the test pits are done in Brentwood. He added that if development is in Fremont there needs to be test pits in Fremont.

Mr. Barham said the Board received for review an application and subdivision plan, but Mr. Blaisdell is now presenting a concept which is different than what was submitted. Mr. Meade said that it goes further because the Police Chief, Fire Chief, Road Agent and Conservation Commission have all issued their comments predicated on a plan where no residential improvements are in Fremont. He felt they should have a chance to comment again on the plan if it is different than what they were led to believe.

Adding a note on the plan that there will be no residential dwellings in Fremont was discussed. Mrs. Champigny asked if she understood that the residence was in Brentwood, and if the note was put on the plan she can build a barn or other buildings that are not dwellings on the Fremont portions of the properties. Mr. Barham answered that she is correct. Mr. Groth said that it could be a condition of approval. He added that if a buyer should want to build in Fremont they would have to come back to the Fremont Planning Board for permission. Mr. & Mrs. Champigny said they are willing to put a note on the plan that there will be no residential dwellings in Fremont.

It was the consensus of the Board that the application is complete and Mr. Karcz made the motion that the Planning Board move directly into the Public Hearing and acknowledge and take jurisdiction of the plan and application.

Motion seconded by Mr. Downing with unanimous favorable vote.

The Board reviewed the list of requested wavers to the Fremont Subdivision Regulations and rational as follows.

1. Article III Section 2-E = Submit copies of all reference plans.
Mr. Blaidell's Rational = *We feel this is an unnecessary expense.*

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2. Article III Section 3-D = Lot usage table on plan.
Mr. Blaidell's Rational = *There are no wetlands on the lot, no proposed recreation area, and any lot usage in Fremont will be minimal or none at all.*

After some discussion Mr. Karcz made the motion to approve the waivers as requested.
Motion seconded by Mr. Hunter with unanimous favorable vote.

Mr. Barham stated that this portion of this Public Hearing is closed for public comment.

After further discussion and review of the plan by the Board, Mr. Karcz made the motion that, based on the information presented and pursuant to plan #1964 drawn by Blaisdell Survey, LLC and dated March 21, 2012, the Fremont Planning Board approved the requested two (2) lot residential subdivision for Paul and Nancy Champigny for Map 2 Lot 119, Middle Road (Rt 111A) in Fremont, New Hampshire, including all approved waivers and with the following conditions.

1. A note shall be added to the plan stating "No residential dwelling units will built on the Fremont portion of these lots".
2. The Town of Brentwood Planning Board signatures are to be on the plan.
3. The property boundary pins are to be set.
4. RSA 676:17 shall apply.

Motion seconded by Mr. Hunter with unanimous favorable vote.

Mr. Barham declared the motion passed and the subdivision conditionally approved.
The applicants agreed to submit the proper recording fees.

Mr. Karcz made the motion to close this Public Hearing at 8:20 pm.
Motion seconded by Mr. Hunter with unanimous favorable vote.

Mr. & Mrs. Champigny and Mr. Blaisdell left the meeting at this time.

JACOB'S COVE

Map 1 Lot 098-1

Owner Jake Donigian and Road Agent Mark Pitkin met with the Board to discuss two issues relative to the Jacob's Cove subdivision road project.

Road grade: Mr. Donigian presented a copy of the roadway plan and profile (sheet 6) of the Jacob's Cove subdivision plans modified to show adjustment of the roadway centerline grades between sta 1+00 and 6+00 because they have encountered ledge. Mr. Donigian said this would maintain the approved 6% grade and merely pushing it forward gaining nearly a foot of extra height, still maintain a 1% grade off the road, and still meet the required 3% max within 50' rule.

Ledge: The second issue is that Mr. Donigian has hit some ledge at some of the upper detention ponds so they are looking to adjust the grading to suit the conditions, still maintaining the volume and just run it through as a field change. Mr. Donigian presented a copy of the roadway plan and profile (sheet 6) of the Jacob's Cove subdivision plans modified to show the necessary

grading adjustments and drainage realignment. He explained that this would change the placement of the pond to behind the rocks, a little further away from the road.

Mr. Pitkin said he is alright with all of the proposed changes. The Board received an August 9, 2012 e-mail string containing a message from Mr. Donigians' Engineer Mike Malynowski to Town Engineer Dan Tatem outlining the proposed changes, and Mr. Tatem's answer back that he does not have any issues with the proposed changes as long as the Town's requirements and the original design intent is met. Mr. Tatem added in his return message that it was agreed that Mr. Malynowski must; 1) submit the revised plans for review by Stantec; 2) get on the next available PB schedule to discuss the changes and ask for the Board's approval; and 3) issue stamped, approved plans to the Town, contact and Stantec to be used for construction.

The Members reviewed the road profile sheets of the Jacob's Cove subdivision plans marked with the proposed modifications and discussed those modifications. Mr. Meade and Mr. Donigian spent some time discussing drainage at either end of the road. The Members agreed that the changes as they are proposed would meet the Town's requirements and the original design intent of the Jacob's Cove road. It was also agreed to support the recommendations and opinions of Mr. Tatem and Mr. Pitkin that they have no problem with the proposed modifications.

Mr. Barham called for a consensus of the Board as to whether the modifications were acceptable. It was the unanimous consensus of the Board to approve the changes as they do not change the intent of the plan, the plan will still meet the Town's requirements, and the changes will be reflected in the as-built plan when it is submitted.

As for Mr. Donigian's escrow account with the Town he said he would submit a \$7,000 check by the first of month (September).

ROGERS ROAD/BEEDE ROAD

Road Agent Mark Pitkin presented a conceptual plan for reconstruction of Beede/Rogers Roads intersection. He said there was not enough land to do the improvements so this will result in a lot line adjustment between the Town of Fremont and Robert Andrew (Map 6 Lot 3-4). Mr. Pitkin said the Board should have the application soon.

INCOMING CORRESPONDENCE

At their June 6, 2012 meeting the Board received a May 24, 2012 correspondence from Pierce Rigrod, Environmentalist with NH DES commending the Town for being 1 of 90 towns that have adopted an Aquifer Protection ordinance and requesting that Fremont consider amending the ordinance to include wellhead protection areas.

The Board has received an August 6, 2012 follow-up correspondence from DES Source Water Protection Intern Kim Goddu asking if Fremont is planning on considering adding WHPA's this fall.

Mr. Hunter made the motion to adjourn at 8:50 pm.
Motion seconded by Mr. Karcz with unanimous favorable vote.

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Next regular meeting: September 5, 2012.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From the 8-15-12 meeting:

Barham:

- Contact Ben Frost via phone to review the Board’s recent Community Planning Grant application

Groth

- Issue a report for the next meeting relative to the Vision Chapter of the Master Plan Survey responses.
- Investigate that development potential for the Town owned land in the Corporate Commercial District.

PROJECTS PENDING/COMPLETED WITH RPC

- CIP Annual Process - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009. Pending as of this date.
- Provide one (1) final paper copy and one (1) electronic version of the updated MP. Provide one (1) final copy of all elements of the CIP annual update process- Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009. Pending as of this date.
- Vision Chapter of MP - Funded with the 2012 Targeted Block Grant (TGB); completion date of June 30, 2012. Paid Towns share of **2,500** in November 2011. Pending as of this date.
- Energy Chapter of MP – Funded through the Energy Technical Assistance Program (ETAP) (no Town cost-share). Completion date of April 30, 2012.

Updated project timeline table below.

RPC

Projects Non-CTAP	Status	2009 30 June	2010 30 June	2010 22 Sept	2010 27 Oct	2012	2012 April 30	2012 June 30
CIP Process Submittal Materials (2010 TBG)	Pending		Contracted Completion Date					
1 final copy of updated MP, CIP elements (2010 TBG)	Pending		Contracted Completion Date					
MP Vision Chapter update	Pending							Contract Completion date
MP Energy	Pending					Completion date		

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Chapter
